

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE HURRICANE SANDY CASES

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ORDER

14 MC 41

THIS DOCUMENT APPLIES TO:

ALL RELATED CASES

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CASE MANAGEMENT ORDER NO. 6

On May 2, 2014, this Court issued Case Management Order No. 5 ("CMO 5"), directing defendants to provide the Court with a list of commonly occurring deficiencies in discovery that defendants believed would prevent meaningful settlement discussions. Pursuant to CMO 5, the Court received several letters dated May 15 and May 16, 2014 on behalf of Standard Fire Ins. Co., Harleysville Worcester Ins. Co., Nationwide Mutual Fire Ins. Co., Nationwide Property & Casualty Ins. Co., USAA General Indemnity Ins. Co., the Federal Emergency Management Agency ("FEMA"), Allstate Ins. Co., American Bankers Ins. Co of FL, Fidelity National Ins. Co., Fidelity National Property & Casualty Ins. Co., Foremost Property & Cas. Ins. Co., Hartford Ins. Co. of the Midwest, Hartford Underwriters Ins. Co., Lancer Indemnity Co., Liberty Mutual Fire Ins. Co., MetLife Auto & Home, New Hampshire Ins. Co., Metropolitan Property & Cas. Ins. Co., New York Central Mutual Fire Ins. Co., Selective Ins. Co. of America, Selective Ins. Co. of New York, Stillwater Ins. Group, Utica First Ins. Co., and Wright National Flood Ins. Co., along with a letter from defendants' Liaison Counsel, providing lists of cases with alleged

deficiencies in plaintiffs' discovery responses that defendants believe would hinder early resolution of these cases. The Hurricane Sandy Committee has reviewed the defendants' lists and selected twenty (20) cases which appear to have representative discovery deficiencies. They are the following:

- (1) Mandell v. Standard Fire Ins. Co., 13-6915
- (2) Jelani v. Travelers Ins. Co., 14-818
- (3) Hillowe v. Standard Fire Ins. Co., 13-7239
- (4) Martin v. Certain Underwriters at Lloyd's London, 13-7124
- (5) Nestor v. Liberty Mutual Ins., 12-7122
- (6) Giambrone v. Liberty Mutual Ins., 13-7172
- (7) Garwood v. Harleysville Worcester, 14-473, 14-5992
- (8) Finn v. USAA Casualty Ins. Co., 13-5995
- (9) Afshar v. Allstate Ins. Co., 13-5874
- (10) 227 Surfside Drive LLC v. Stillwater Ins. Grp., 13-5935
- (11) Perrotta v. Fidelity National Property & Casualty Ins., 14-211
- (12) Werth v. Allstate Ins. Co., 13-5866
- (13) Wade v. Hartford Ins. Co. of the Midwest, 14-178
- (14) Smallman v. Liberty Mutual Fire Ins. Co., 13-7311
- (15) Scanlan v. American Bankers Ins. Co. of FL, 14-702
- (16) Patton v. Metropolitan Property & Casualty Ins. Co., 13-6273
- (17) Petricone v. Hartford Underwriters Ins. Co., 13-6002
- (18) Oppenheimer v. Fidelity National Ins. Services, 13-5901
- (19) McKinney v. Allstate Ins. Co., 13-6702
- (20) McCarthy v. New Hampshire Ins. Co., 13-5954

Accordingly, Liaison Counsel for both plaintiffs and defendants are ORDERED to appear before the Hurricane Sandy Committee on **May 22, 2014 at 3:15 p.m.**, in Courtroom 13 B of the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, prepared to discuss the above-listed twenty (20) cases. Plaintiffs' Liaison Counsel shall be prepared to address the deficiencies identified by defendants and provide an explanation as to how plaintiffs' counsel proposes to remedy the numerous discovery problems identified by defendants.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
May 19, 2014

/S/ CHERYL L. POLLAK
Cheryl L. Pollak
United States Magistrate Judge

/S/ GARY BROWN
Gary Brown
United States Magistrate Judge

/S/ RAMON E. REYES
Ramon E. Reyes, Jr.
United States Magistrate Judge